

## **ARTICLE 20**

### **SOLAR ENERGY FACILITIES**

#### **SECTION 2000 – Purpose and Intent**

The purpose and intent of this section is to establish minimum requirements and regulate the placement, construction and modification of Solar Energy Facilities (SEF) in order to minimize its negative impact on the character and environment of the County and to protect the health, safety and welfare of the public. The process for the review and approval of the application shall assure an integrated and comprehensive review of the environmental impact of such facilities. The County understands that alternative energy technology is ever-changing, therefore, the County supports individual, on-site, non-commercial alternative energy sources. However, pursuant to the Decatur County Comprehensive Plan, the County does not support the development of commercial alternative energy facilities that would consume agricultural land. The County discourages large scale, commercial development of alternative energy sources.

The purpose of these regulations is:

1. To regulate the location of Solar Energy Facilities within the County.
2. To protect residential areas and land use from potential adverse impact of Solar Energy Facilities.
3. To minimize adverse visual impacts of Solar Energy Facilities through careful design placement; landscaping; preservation of trees and natural vegetation; and innovative camouflaging techniques.
4. To avoid potential damage to adjacent properties caused by Solar Energy Facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed.
5. To the greatest extent feasible, ensure that Solar Energy Facilities are compatible with surrounding land uses.

#### **SECTION 2002 – Definitions**

##### **Residential Solar Energy System**

Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

##### **Commercial Solar Energy Facilities**

A SEF, on a parcel(s) of one acre or more that converts sunlight to electricity, whether by photovoltaics concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

## **SECTION 2004 – Special Exceptions**

The Solar Energy Facilities are permitted as a special exception in the Agricultural A-1 & A-2 zoning districts; in the Business B-1, B-2 and B-3 zoning districts; and in the Industrial I-1, I-2 and I-3 zoning districts when approved by the Decatur County Board of Zoning Appeals:

- A. Attached SEF if integrated within an existing structure.
- B. Replacement of a legal, existing SEF structures with a similar facility of equal or smaller size, subject to the applicable procedures and general requirements of the Ordinance.
- C. Placement of a SEF as permitted under the zoning districts A-1, A-2, B-1, B-2, B-3, I-1, I-2, and I-3.

## **SECTION 2006 – General Requirements**

The following requirements apply to all SEF that are erected or placed within Decatur County jurisdictional area after the effective date of this Ordinance. All SEF require an Improvement Location Permit.

- A. For each application, the property owners, SEF owners, and the service providers shall be considered co-applicants and shall jointly and severally be subject to the provisions of this ordinance.
- B. Each Improvement Location Permit application for placement of a SEF/ SEF Support Structure shall be accompanied by the following:
  - 1. An application, rezoning application, a special exception application and/or a Variance Application.
  - 2. A written statement with illustrations that describe the proposed SEF including the type of construction with minimum and maximum height.
  - 3. A site plan which is comprised of a scaled drawing setting forth property lines, distances, existing site improvements/buildings/structures, existing or proposed roadways and easements, proposed SEF location, and proposed landscaping.
  - 4. A Road Use Agreement approved by the Decatur County Highway Department.
  - 5. An Engineer Stamped Drainage Plan as per the Decatur County Stormwater Drainage Control Ordinance.
  - 6. Shall meet all current IDEM regulations for Stormwater runoff.
  - 7. A visual impact analysis that includes current photographs of man-made or natural features adjacent to the SEF and a photographic presentation that depicts current site conditions with a super-imposed image of the proposed facilities to demonstrate the anticipated views upon its completion.
  - 8. A copy of the Facility Maintenance and Removal Agreement signed by all applicants that binds the applicants and all successors in interest to properly maintain and or remove the facilities upon abandonment in compliance with the terms of this Ordinance.

9. Decatur County shall not authorize the placement of any SEF or Support Structure unless Decatur County obtains an indemnification from the applicant(s) that releases Decatur County from all liability arising out of the construction, operation, removal or repair of a SEF. Parties to the Solar Energy Facility agree to not sue or seek any monies or damages from Decatur County; to indemnify and hold harmless Decatur County, its elected/appointed officials, agents, servants, and employees from all claims, demands or causes of action along with the resulting losses, expenses, costs, attorney fees, liabilities, damages, Orders, Judgements and Decrees which arise out of or result from a SEF owner, operator, agent, employee, or servant for negligent acts, errors or omissions.
10. A policy of insurance maintained with a reputable company that insures the SEF or Support Structure with minimum and adequate insurance coverage for liability, bodily injury, and property damage for the entire period the SEF is in existence. Decatur County shall be named as an additional insured on the policy. A certificate of insurance shall be submitted verifying the insurance coverage at the time application is made. Failure to maintain insurance coverage shall be a violation of this Ordinance. Additional Certificates of Insurance shall be provided to Decatur County to show on going compliance with this ordinance requirement.

#### **SECTION 2008 – Performance / Construction Standards**

- A. A perimeter fence at least Eight (8) feet in height shall be installed to contain the SEF.
- B. The SEF shall not cast a shadow on surrounding properties.
- C. Security lighting is not required. If security lighting is installed, it shall be confined to accessory structures and shall be directed downward to minimize glare or intrusion onto adjoining properties. No SEF illumination shall be permitted.
- D. An approved cover crop or approved ground cover is required. All landscaping that is installed shall be properly maintained or replaced to maintain a presentable appearance for the structure.
- E. Off-premise or advertising signage is prohibited. Each SEF shall have identification signage at the locked entrance stating: 1. High Voltage Warning 2. Name and Contact Number for the site Operator 3. Name and Contact Number for the Electric Utility Provider 4. The 911 Address and GPS Coordinates 5. Knox Box with keys.
- F. The SEF shall be constructed to applicable industry standards, including those from the UL and FAA. The Decatur County Board of Zoning Appeals may authorize an alternate form of construction upon a showing of sufficient documentation.
- G. All SEF, accessory buildings, poles, antenna, and other external facilities shall be painted a neutral color or galvanized grey. Paint color shall be designed to minimize visibility and blend with the surrounding environment. All facilities shall be repainted as necessary.
- H. No SEF shall be installed in any location where its proximity with fixed

broadcast, retransmission or reception antenna for radio, airport RF signals, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

I. Setback requirements for SEF: Setbacks shall meet the minimum zoning setbacks for the zoning district in which located.

J. All SEF electrical equipment and connections must adhere to all local, state, and national codes and international standards.

K. The SEF shall not generate noise in excess of Fifty (50) decibel levels at ground level to the property lines or at the nearest residence. Such measurements shall be signed by a qualified engineer, stating that noise levels are being met, per ordinance requirements.

L. At such time that a SEF ceases operation for a period of Twelve (12) months, the company shall physically remove the SEF within Ninety (90) days from the Twelve (12) month period from when the operation ceased.

~~M.~~—Removal of all machinery, equipment, shelters, security barriers, and waste materials to a minimum of Five (5) feet below grade, and provide any mitigation or remediation required by any local, state, or federal agencies to return the land to the use prior to installation of the SEF.

N. Applicant shall post a bond for One Hundred Fifty (150) percent of the fully-inclusive estimate of the cost associated with removal of the SEF prepared by a certified company for that type of work. Bonds and financial assurance shall be reevaluated every 5 years with contributions adjusting at the time to cover costs at the time of decommissioning.

#### **SECTION 2050 – Improvement Location Permit Section**

Prior to the issuance of any Improvement Location Permit for a SEF project, the applicant, owner and/or operator shall pay the required permit fee that will be based on \$1,750.00 per MW. There will be an Application/Review fee of \$10,000.00. Any other structure(s) associated with the project shall require a separate Improvement Location Permit as per Decatur County Building Fee Schedule.